PATENT T124/TELNP200US

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Himanshu S. Amin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:			
Applicant(s):	Michael L. Trompower	Examiner:	Naghmeh Mehrpour
Serial No:	09/483,399	Art Unit:	2686
Filing Date:	January 14, 2000		

Title: IMPROVED 802.11 NETWORKS USING DYNAMIC POWER CONTROL FOR RF TRANSMISSION

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Dear Sir:

Appellant's legal representative submits this brief in connection with an appeal of the above-identified patent application. Favorable reconsideration of the above-identified patent application is respectfully requested in view of the amendments and comments below.

I. Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real party in interest in the present appeal is Symbol Technologies, Inc., the assignee of the present application.

II. Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellant, appellant's legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which may be related to, will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 1, 19, and 33 have been canceled. Claims 2-18, 20-32, 34 and 35 stand rejected by the Examiner. The rejection of claims 2-18, 20-32, 34 and 35 is being appealed.

IV. Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

No claim amendments have been entered after the Final Office Action.

V. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))

A. Independent Claim 2

Independent claim 2 relates to a communication unit in a cellular communication system. The unit includes a transmitter that transmits data over an RF link and a power control module coupled to the transmitter. The power control module receives a data packet having a first portion and a second portion and transmits the first portion at a first transmission power and the second portion at a second transmission power. The communication unit transmits the first portion of the data packet at a first data rate and the second portion of the data packet at a second data rate. (*See e.g.*, page 4, lines 3-6).

B. Independent Claim 20

Independent claim 20 relates to a method of transmitting a data packet in a cellular communication system. The method includes transmitting a first portion of the data packet at a first transmission power level, transmitting a second portion of the data packet at a second

transmission power level, and transmitting a third portion of the data packet at a third transmission power level. (*See e.g.*, page 4, lines 7-10).

C. **Independent Claim 29**

Independent claim 29 relates to an access point system in a cellular communication system utilizing an IEEE 802.11 standard protocol. The system includes a transmitter that transmits data over an RF link and a power control module coupled to the transmitter. The power control module receives a data packet having a PLCP preamble and PLCP header portion and a data portion and dynamically adjusts the transmission power of the packet during transmission of the packet, such that the PLCP preamble portion begins transmitting at a first transmission power level and the data portion begins transmitting at a second transmission power level. The dynamic adjustment of transmission power is made to facilitate transmitting the PLCP preamble and the data portion over a substantially similar transmission range. The system further includes a processor coupled to the power adjustment module to provide power adjustment information to the power control module. Also included in the system is a receiver coupled to the processor, the receiver receives data over an RF link wherein the access point system is coupled to a nework. (*See e.g.*, FIGS. 2-4d; page 4, lines 11-23).

D. **Independent Claim 32**

Independent claim 32 relates to a cellular communication system that includes means for transmitting a data packet (*see, e.g.*, page 6, 24-page 8, line 3; page 10, line 20-page 12, line 25; FIGS. 1, 5a and 5b; FIGS. 6 and 7, items 62, 114 and 128) having a first portion and a second portion (*see, e.g.*, page 6, ll. 18-21; page 8, line 4-page 10, line 19; FIGS. 2-4d) and means for dynamically adjusting the transmission power level of the first portion with respect to the second portion of the data packet (*see, e.g.*, page 6, ll. 18-21; page 9, line 18-page 10, line 19; FIGS. 3-4d) coupled to the means for transmitting a data packet having a first portion and a second portion. The system also includes a means for determining the transmission power levels of the first and second portion based on a desired transmission range for both the first and second portion (*see, e.g.*, page 9, line 18-page 10, line 19; FIGS. 4b and 4d; page 12, ll. 1-8; FIGS. 5a-7, item 115).

The means for limitations described above are identified as limitations subject to the provisions of 35 U.S.C. §112 ¶6. The corresponding structures are identified with reference to the specification and drawings in the parentheticals above corresponding to those claim limitations.

E. **Independent Claim 35**

Independent claim 35 relates to a signal transmitted over a wireless communication system. The signal includes a data packet having a first portion transmitted at a first power level, a second portion transmitted at a second power level, and a third portion transmitted at a third power level." (*See e.g.*, page 5, lines 3-5).

VI. Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

A. Claims 2-5, 7-8, 18, 20-28 and 34-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Paatelma (US 6,463,042 B1) in view of Hassan, *et al.* (US 6,301,231 B1).

B. Claims 6, and 9-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Paatelma in view of Hassan, *et al.*, and in further view of Fisher, *et al.* (US 5,768,695).

C. Claims 29-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Paatelma in view of Fisher, *et al.*

D. Claim 32 stands rejected under 35 U.S.C. §102(e) as being anticipated by Paatelma.

VII. Argument (37 C.F.R. §41.37(c)(1)(vii))

A. **Rejection of Claims 2-5, 7-8, 18, 20-28 and 34-35 Under 35 U.S.C. §103(a)**

Claims 2-5, 7-8, 18, 20-28 and 34-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Paatelma (US 6,463,042 B1) in view of Hassan, *et al.* (US 6,301,231 B1). Reversal of this rejection is respectfully requested for at least the following reasons. Paatelma and Hassan, *et al.*, alone or in combination, fail to teach or suggest every feature of the subject

claims. Furthermore, there is no motivation or suggestion in the references to make the combination in the manner the Examiner has suggested.

> [T]he prior art reference (or references when combined) ***must teach or suggest all the claim limitations.*** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the Applicants' disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added). ***The prior art items themselves must suggest the desirability and thus the obviousness of making the combination without the slightest recourse to the teachings of the patent or application.*** Without such independent suggestion, the prior art is to be considered merely to be inviting unguided and speculative experimentation which is not the standard with which obviousness is determined. *Amgen, Inc. v. Chugai Pharmaceutical Co. Ltd.*, 927 F.2d 1200, 18 USPQ2d 1016 (Fed. Cir. 1991) (emphasis added).

Independent Claim 2

The claimed subject matter relates generally to communication in a cellular communications system. At a given fixed power level, a transmission at a higher data rate has a lower transmission range than a transmission at a lower data rate. Therefore, by adjusting the power levels of different portions of a data packet that have different data rates, a more uniform transmission range for the entire data packet can be achieved. In particular, independent claim 2 recites, "the communication unit transmits *the first portion of the* ***data packet*** *at a first data rate* and *the second portion of the* ***data packet*** *at a second data rate*." Neither Paatelma nor Hassan, *et al.* teach or suggest these novel features.

Rather, Paatelma relates to a mobile station power saving method that adjusts the *power level* of a first portion of a data packet relative to a second portion of the data packet. (*See* Abstract). As the Examiner concedes at pages 5-6 of the Final Office Action (dated March 11, 2005), Paatelma does not teach or suggest transmitting "the first portion of the data packet at a ***first data rate*** and the second portion of the data packet at a ***second data rate***", as independent claim 2 recites. However, the Examiner incorrectly contends Hassan, *et al.* will cure the deficiencies of Paatelma.

Hassan, *et al.* relates to a satellite communication system wherein an Earth-based terminal can transmit to multiple satellites if a single satellite cannot handle the data rate at which the terminal desires to transmit. (*See* Abstract). In particular, Hassan, *et al.* is concerned with achieving a desired bandwidth for data (*see* col. 7, ll. 25-26; col. 9, ll. 27-31; col. 9, ll. 46-47) by apportioning the data among multiple satellites. The data can be divided into data packets and transmitted to multiple receivers such that a desired bandwidth can be achieved (*see* col. 7, ll. 27-32); however, the *individual **portions of a data packet*** are not transmitted at different data rates than other ***portions of the data packet.*** For example, if a transmitter desires to transmit data at a desired data rate R_1, it can employ two satellite receivers to receive the data at different data rates, R_2 and R_3, where $R_1 = R_2 + R_3$. Hence, the ***data packets*** sent at rate R_2, may indeed be transmitted at a different data rate than the ***data packets*** sent at R_3, yet the ***individual portions of a data packet*** are not transmitted at different data rates than other ***portions*** of that data packet.

The reference does not apportion individual data packets to transmit those *individual **portions of a data packet*** to different satellites (*e.g.*, sending the header portion to one satellite at one data rate, and the data portion to another satellite at a second data rate). It is respectfully submitted that the Examiner is confusing "data" with "data packet", and "data portion" with "packet portion" in order to make this rejection. The reference does not contemplate transmitting ***the first portion of the data packet at a first data rate and the second portion of the data packet at a second data rate***. Rather, Hassan, *et al.* discloses transmitting a data portion (which is comprised of one or more complete data packets) to a satellite at one data rate, and the rest of the data to a second satellite at a second data rate.

Moreover, the Examiner has impermissibly combined these references without providing adequate motivation to do so. There is no reason suggested by the references, nor has the Examiner provided a compelling reason, to incorporate the teachings of Hassan, *et al.* (*i.e.*, to apportion data among ***multiple*** receivers) into Paatelma in order to adapt data packets as the reference teaches. To the contrary, Paatelma requires that a ***single*** receiver receives all the data in order to make the power level comparison between the portions. (*See e.g.*, col. 2, ll. 41-50).

At page 6 of the Final Office Action, the Examiner improperly suggested, "it would have been obvious to [one of] ordinary skill in the art at the time of the invention to combine the above teaching of Hassan, *et al.* with Paatelma, in order to provide a busy tones that indicates a base station is in an overload condition, therefore, improve the performing transmission data rate

allocation of a high speed wireless communication network." Appellant's representative duly traversed this rationale, and the Examiner responded, at pages 5-6 of the Advisory Action (dated July 5, 2005), that the new motivation to combine is "to provide a system that has better performance with high signal qualities". It is respectfully submitted that neither rationale appears to relate in any way to the references themselves, nor to a benefit the proposed combination could provide.

Rather, Paatelma attempts to conserve power in a receiver by allowing the receiver to ignore some of the data and power down whereas Hassan, *et al.* attempts to utilize multiple receivers to achieve higher bandwidth. To employ the teachings of Hassan, *et al.* into Paatelma would cause multiple receivers (*e.g.*, cell phones) to be activated, thereby defeating the stated goal of power conservation. If a reference is cited that requires some modification in order to meet the claimed invention or requires some modification in order to be properly combined with another reference and such a modification destroys the purpose or function of the invention disclosed in the reference, one of ordinary skill in the art would not have found a reason to make the claimed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Furthermore, the receivers in Paatelma are end-user devices and it does not make sense to allow one cell phone to receive portions of data intended for another cell phone user. Accordingly, the Examiner has failed to make a *prima facie* case for obviousness and this rejection of independent claim 2, as well as all associated dependent claims, should be reversed.

Independent Claims 20 and 35

The claimed subject matter further relates to the transmission of data in a cellular communications system and can facilitate adjusting the power levels of individual portions of a data packet so that the entire data packet can have a more uniform range. In particular, independent claim 20 (and similarly independent claim 35) recites, "transmitting a third portion of a data packet at a third transmission ***power level***." Both Paatelma and Hassan, *et al.*, alone or in combination, fail to teach or suggest these novel features.

At page 8 of the Final Office Action, the Examiner concedes Paatelma does not disclose or suggest these features of the claimed invention, but incorrectly contends that Hassan, *et al.* will remedy the deficiencies, citing the reference at column 2, lines 17-27 and column 2, lines 55-62. However, the indicated portions teach that data may be apportioned and transmitted at

different ***data rates*** rather than different ***power levels***, as provided for in the subject claims. Nowhere in the reference is it taught or suggested to adjust the transmission ***power level*** of a third portion of a data packet. Moreover, the Examiner has failed to provide proper motivation to combine these references, as indicated *supra* regarding independent claim 2.

Accordingly, in view of at least the foregoing, reversal of this rejection with respect to independent claims 20 and 35, as well as all claims that depend therefrom, is respectfully requested.

B. **Rejection of Claims 6, and 9-17 Under 35 U.S.C. §103(a)**

Claims 6, and 9-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Paatelma (US 6,463,042 B1) in view of Hassan, *et al.* (US 6,301,231 B1), and in further view of Fisher, *et al.* (US 5,768,695). This rejection should be reversed for at least the following reasons.

Claims 6 and 9-17 depend indirectly upon claim 2, which is believed to be in condition for allowance. Therefore, claims 6 and 9-17 are also believed to be allowable. Neither Hassan, *et al.* nor Fisher, *et al.* cure the aforementioned deficiencies with respect to Paatelma. Moreover, appellant's representative submits it is improper to combine Hassan, *et al.* with Paatelma for the reasons described *supra*, regarding independent claim 2, for which a combination of Paatelma and Fisher, *et al.* cannot cure. Accordingly, this rejection should be reversed.

C. **Rejection of Claims 29-31 Under 35 U.S.C. §103(a)**

Claims 29-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Paatelma (US 6,463,042 B1) in view of Fischer (US 5,768,695). Reversal of this rejection is respectfully requested for at least the following reasons. Paatelma and Fischer, *et al.*, either alone or in combination, fail to teach or suggest all features of the subject claims. Furthermore, there is not a reasonable expectation of success to combine the references as the Examiner has indicated.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the

> references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. ***Second there must be a reasonable expectation of success.*** Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations.*** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the Applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The claimed subject matter further relates to an access point system in a cellular communication system utilizing an IEEE 802.11 standard protocol. In particular, independent claim 29 recites, "the power control module receives a data packet...and dynamically adjusts the transmission power of the packet...***to facilitate transmitting the PLCP preamble and the data portion over a substantially similar transmission range***". The cited references, alone or in combination, do not teach or suggest these features.

Paatelma relates to a mobile station power saving method employed to reduce power consumption of a receiving wireless terminal. (*See* col. 2, ll. 21-27). In particular, Paatelma teaches reducing the transmission power of a second portion (*i.e.*, Data) of a data packet (*see* col. 4, ll. 62-65) when the data therein is not valid (*see* col. 2, ll. 37-40). The receiver can determine if the data is invalid upon receiving the first portion and at least a part (*e.g.*, 10 symbols) of the second portion of the data packet. If the data is invalid, the receiver can ignore the remainder of the second portion. (*See* col. 2, ll. 42-54; col. 5, ll. 1-2). Consequently, Paatelma discloses adjustment of power levels in order to *notify the receiver that the data portion does not contain valid data*, whereas the subject invention determines the power levels ***based upon a desired transmission range*** for both the first and the second portion of the data packet.

Paatelma does not contemplate that transmission power level affects transmission range. Indeed, the reference is silent regarding transmission range, and therefore fails to address the difficulty of providing a uniform transmission range for all portions of a data packet in which portions of the data packet are transmitted at different data rates. The Examiner incorrectly contends at page 2 of the Advisory Action that "a desired transmission range" is identical to "reduce the interference". It is readily apparent, however, that "transmission range" and "reduced interference" are distinct concepts, for which Paatelma is a primary example. The

reference might reduce interference by allowing a receiver to ***ignore*** some of the second portion of a data packet, but not by attempting to ensure that only receivers within the desired transmission range ***receive*** the data packet. Accordingly, Paatelma fails to disclose or suggest transmitting ***over a substantially similar transmission range***. Fischer, *et al.*, which discloses a configurable MAC programmed to control the timing sequences of the ramp up and ramp down of various stages of a radio (*see* Abstract), does not make up for the aforementioned deficiencies of Paatelma.

Moreover, the Examiner incorrectly contends at page 3 of the Advisory Action that the references are properly combinable to incorporate the PLCP frame format defined by IEEE 802.11 standards taught by Fischer, *et al.* into Paatelma. Such a combination produces adverse consequences in Paatelma that the reference explicitly intends to prevent. For example, IEEE 802.11 standards provide for sending the data portion of a data packet at much higher data rates than the header portion and/or preamble, resulting in a packet that has a much smaller transmission range for the data portion. Paatelma does not contemplate different data rates for different portions of a packet, or the resultant difficulty – which the claimed subject matter addresses – caused by a header portion with a much greater transmission range than the data portion. Paatelma in fact compounds this difficulty because it ***reduces*** the power level of the data portion (*see* col. 4, ll. 62-65), thereby further ***reducing*** the transmission range of the data portion. The result of such a combination indicated by the Examiner would be receivers that receive valid header/preamble portions of data packets over a very large range (because they have both a lower data rate and a higher power level) but are unable to receive the corresponding data portions. The receivers would then be occupied until, for example, a time-out event, thereby increasing the interference whereas Paatelma, which must receive at least a part of both portions to be operable, purports to reduce interference. Therefore, the Examiner's proposed combination does not yield a ***reasonable*** expectation of success. In addition, in order for a reference to be properly combined with another reference, the modification must not destroy the purpose or function of the invention disclosed in the reference, one of ordinary skill in the art would not have found a reason to make the claimed modification. *See In re Gordon.* Accordingly, for at least the foregoing reasons, this rejection of claim 29, and dependent claims 30 and 31, should be reversed.

D. Rejection of Claim 32 Under 35 U.S.C. §102(e)

Claim 32 stands rejected under 35 U.S.C. §102(e) as being anticipated by Paatelma (US 6,463,042 B1). Reversal of this rejection is respectfully requested for at least the following reasons. Paatelma does not disclose or suggest each and every feature of the instant claim.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that "***each and every element as set forth in the claim is found***, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The claimed subject matter further relates to a cellular communication system that adjusts the transmission power of different portions of a data packet to allow the transmission range of the entire data packet to have a more uniform range. To that end, independent claim 32 recites, "means for determining the transmission power levels of the first and second portion ***based on a desired transmission range*** for both the first and second portion." These aspects of the claimed invention are not taught or suggested by Paatelma.

As discussed *supra* in regard to independent claim 29, Paatelma is silent as to determining the transmission power levels of the first and second portion ***based on a desired transmission range*** for both the first and second portion. Therefore, independent claim 32 is allowable for at least the same reasons that make independent claim 29 allowable. Accordingly, this rejection of independent claim 32 should be reversed.

E. **Conclusion**

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 2-18, 20-32, 34 and 35 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP200US].

Respectfully submitted,
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VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1. (Cancelled)

2. A communication unit in a cellular communication system, the unit comprising:
a transmitter that transmits data over an RF link; and
a power control module coupled to the transmitter, the power control module receives a data packet having a first portion and a second portion and transmits the first portion at a first transmission power and the second portion at a second transmission power, the communication unit transmits the first portion of the data packet at a first data rate and the second portion of the data packet at a second data rate.

3. The unit of claim 2, wherein the first transmission power and the second transmission power are selected so that the first portion and the second portion have similar transmission ranges.

4. The unit of claim 2, wherein the data packet includes a third portion and the power adjustment module receives the data packet having the third portion and transmits the third portion at a third transmission power.

5. The unit of claim 4, wherein the communication unit transmits the first portion of the data packet at a first data rate, the second portion of the data packet at a second data rate and the third portion of the data packet at a third data rate.

6. The unit of claim 5, wherein the data packet conforms to the IEEE 802.11 standard protocol and the first portion of the data packet is a PLCP preamble, the second portion of the data packet is a PLCP header and the third portion of the data packet is a data portion.

7. The unit of claim 2, wherein the communication unit is an access point system.

8. The unit of claim 2, wherein the communication unit is a mobile communication unit.

9. The unit of claim 2, wherein the power control module includes a transmission power amplifier adapted to receive the power data packet and dynamically control the transmission power of the first portion and the second portion.

10. The unit of claim 9, wherein the power control module includes a D/A converter that receives power data information in digital format and converts the power data information to an analog control signal, the analog signal controls the transmission power of the transmission power amplifier.

11. The unit of claim 10, further including a processor coupled to the D/A converter, the processor transmits the power data information to the D/A converter.

12. The unit of claim 11, further including a receiver coupled to the processor, the receiver receives a transmission from other communication units.

13. The unit of claim 12, wherein the receiver provides transmission power information to the processor from a transmission communication unit transmitting information to the receiver, the processor evaluating a range from the transmission power information and downloading power data information to the power control circuit based on a desired transmission range of the data packet.

14. The unit of claim 10, wherein the power control module includes a power data register section coupled to the D/A converter, the power data register module stores the power data information and provides the power data information to the D/A converter.

15. The unit of claim 14, further including a processor coupled to the power data register section, the processor transmits the power data information to the power data register section.

16. The unit of claim 15, further including a receiver coupled to the processor, the receiver receives a transmission from other communication units.

17. The unit of claim 16, wherein the receiver provides transmission power information to the processor from a transmission communication unit transmitting information to the receiver, the processor evaluating a range from the transmission power information and downloading power data information to the power control circuit based on a desired transmission range of the data packet.

18. The unit of claim 2, wherein the communication unit is coupled to a network and the network provides the power control circuit with information relating to the power transmission level of the first portion and the second portion.

19. (Cancelled)

20. A method of transmitting a data packet in a cellular communication system, comprising:
transmitting a first portion of the data packet at a first transmission power level;
transmitting a second portion of the data packet at a second transmission power level; and
transmitting a third portion of the data packet at a third transmission power level.

21. The method of claim 20, wherein the first portion of the data packet is transmitted at a first data rate and the second portion of the data packet is transmitted at a second data rate.

22. The method of claim 20, wherein the first power level and the second power level are adjusted so that the first portion and the second portion have essentially the same transmission range.

23. The method of claim 20, wherein providing a communication unit precedes transmitting a first portion of the data packet at a first transmission power level, the communication unit including a transmitter, a power control module coupled to the transmitter, a processor coupled to the power control module and a receiver coupled to the processor.

24. The method of claim 23, wherein the processor provides the power control module with the first transmission power and the second transmission power after providing a communication unit and prior to transmitting a first portion of the data packet at a first transmission power level.

25. The method of claim 24, wherein the processor evaluates the first transmission power and the second transmission power based on a desired transmission range for the first portion and the second portion of the data packet.

26. The method of claim 25, wherein the processor evaluates the first transmission power and the second transmission power based on a desired transmission range for the first portion and the second portion of the data packet based on a transmission power level of a transmission received from another mobile communication unit.

27. The method of claim 25, wherein the communication unit is coupled to a network and the processor evaluates the first transmission power and the second transmission power based on a desired transmission range for the first portion and the second portion of the data packet, the network providing the processor information relating to the desired transmission range.

28. The method of claim 20, wherein the power level of the first portion and the second portion is dynamically adjusted during the transmission of the data packet.

29. An access point system in a cellular communication system utilizing an IEEE 802.11 standard protocol, comprising:

a transmitter that transmits data over an RF link;

a power control module coupled to the transmitter, the power control module receives a data packet having a PLCP preamble and PLCP header portion and a data portion and dynamically adjusts the transmission power of the packet during transmission of the packet, such that the PLCP preamble portion begins transmitting at a first transmission power level and the data portion begins transmitting at a second transmission power level, the dynamic adjustment of transmission power made to facilitate transmitting the PLCP preamble and the data portion over a substantially similar transmission range;

a processor coupled to the power adjustment module, the processor provides power adjustment information to the power control module; and

a receiver coupled to the processor, the receiver receives data over an RF link wherein the access point system is coupled to a network.

30. The system of claim 29, wherein the power control module includes a transmission power amplifier that receives the data packet and control the transmission power of the PLCP preamble portion and the data portion, the transmission power amplifier coupled to a D/A converter, the D/A converter receives power data information in digital format and converts the power data information to an analog control signal, the analog control signal controls the transmission power of the transmission power amplifier.

31. The system of claim 30, wherein the power control module includes a power data register module coupled to the D/A converter, the power data register stores the power data information and provides the power data information to the D/A converter wherein the processor is coupled to the D/A converter, the processor transmits the power data information to the D/A converter.

32. A cellular communication system, comprising:

means for transmitting a data packet having a first portion and a second portion;

means for dynamically adjusting the transmission power level of the first portion with respect to the second portion of the data packet coupled to the means for transmitting a data packet having a first portion and a second portion; and

means for determining the transmission power levels of the first and second portion based on a desired transmission range for both the first and second portion.

33. (Cancelled)

34. The system of claim 32, wherein the means for dynamically adjusting the transmission power level of the first portion with respect to the second portion of the data packet further provides for adjusting the power transmission level of a third portion of the data packet with respect to the first and second portions.

35. A signal transmitted over a wireless communication system, the signal comprising:

a data packet having a first portion transmitted at a first power level, a second portion transmitted at a second power level, and a third portion transmitted at a third power level.

IX. Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X. Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.